HON'BLE SMT. JUSTICE T. MEENA KUMARI

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HON'BLE SRI JUSTICE K.C. BHANU

Writ Petition No.25902 of 2005

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Dated:December 12, 2005

Between:

V. Subramaneswara Rao … Petitioner

And

The Director General & Inspector General of Prisoners &
Correctional Services, Hyderabad
And 7 others. … Respondents

Oral Order: (per the Hon'ble Sri K.C. Bhanu, J)

1. The grievance of the petitioner is that two convicts viz., 1) Medarametla Venkata Krishna Rao and 2) Addanki Venkata Narsaiah were detained in the District Jail, Rajahmundry even though no cases are pending against them at Vijayawada Court and therefore appropriate instructions may be given to respondents 3 to 8 to transfer them to the Central Prison, Rajahmundry.

2. Detailed counter-affidavit has been filed by the Jailor, District Jail, Vijayawada (fourth respondent) stating that the petitioner was admitted in jail on 24-10-2005 in connection with C.C. No.384 of 2001 on the file of the

I Additional Chief Metropolitan Magistrate, Vijayawada and he was transferred to Central Prison and Semi Open Prison, Rajahmundry on 27-10-2005 and the petitioner is at present undergoing imprisonment at Rajahmundry.

3. As regards Mr.Medarametla Venkata Krishna Rao the fourth respondent stated that he was detained in the jail on 18-8-2005. He is a patient and, as per the Medical Officer's report, he is not fit to undertake long journey. Furthermore, one case is pending against him before the I Metropolitan Magistrate, Vijayawada in C.C.No.484 of 2001.

4. As regards Addanki Venkata Narsaiah, in C.C.No.67 of 1992 the Special Judge for SPE and ACB Cases, Vijayawada convicted him to undergo rigorous imprisonment for two years.

5. As per the jail manuals, if a prisoner was convicted up to two years he can be detained only in the District Jails and thereafter, they may be transferred to Central Prision. Therefore, there is no illegality in detaining Addanki Venkata Narasaiah in the District Jail. We do not find any merit to issue a mandamus directing the respondents to act contrary to the rules. The writ petition is devoid of merit and is accordingly dismissed.

(Smt. T. Meena Kumari, J)

(K. C. Bhanu, J)

December 12, 2005.

svs